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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,677	09/28/2001	Kenneth J. Lancos	5243P002	8026

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EXAMINER

PAIK, STEVE S

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/966,677	Applicant(s) LANCOS ET AL.	
	Examiner Steven S. Paik	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 13-27 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-27 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 24, 2004 has been entered.

Response to Amendment

2. Receipt is acknowledged of the Amendment filed March 24, 2004. The Amendment includes cancellation of claims 5 and 12, amendment to the claims 1, 6, 8, 9, 11, 15-19, and 22-27, and addition of a new claim 33.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-11, 13-27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sher (USPN 5,566,327) in view of Miyata (USPN 6,484,947).

Re claims 1, 6, 11, and 33, Sher discloses a computerized theme park information management system (Fig. 1) using either contact type (col. 4, line 60) or non-contact type smart cards (col. 4, line 60; the visitor guest card 13 placed in the vicinity of the smart card reader

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teaches that the smart card including a non-volatile memory is a contact-less type) and a method of keeping an accurate record of monetary transactions. The system and method comprise steps of receiving payment from a guest (steps 105-107 in Fig. 6A) for monetary credits, reading an identification tag (114 in Fig. 6B) to get identifying information. The steps further include accessing a guest data object stored in a central server (databases 10, 20 and 30 correlate to a control center 1) using the tag identifier (col. 4, ll. 57-61) and modifying information stored in said central server related to monetary credits in a data field of said guest data object based on an amount of the payment (col. 2, lines 33-44). Sher further discloses that the visitors (guests) may select the card type they prefer to use during their visits, keep as a souvenir or collectors item, or even reuse at a subsequent visit. The reference also teaches that a processor (such as a PC 14 in the control center in Fig. 1) coupled to the smart card reader (11; capable of reading a contact and a non-contact type smart card), an input device (such as a keyboard) and a network interface (communications links such as 23 and 16) to cause a transmission of the tag identifier and payment information to central server (databases 10, 20, 30 correlate to a control server 1).

Although the visitors may choose different graphics, colors, logos or text imprinted on the card body, Sher does not explicitly disclose a RFID tag that is worn by a guest.

Miyata discloses a portable non-contact type personal identification system using a radio wave to communicate with a reader (an external processing unit; col. 7, ll. 27-30). The system making utilization of data storage media is used as a means for facilitating the checking of visitors (guests), the identifying of persons, or the administering of payments of fees etc. in recreation sites and facilities with a capacity of accommodating a large number of people such as sports stadiums, large-scale exhibition halls, and amusement parks (col. 1, ll. 12-20). Miyata

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further discloses fundamental functions of the non-contact type personal identification, which is almost identical to that of Sher. In addition, Miyata's invention is integrating a data storage medium to a wearable object such as a wristwatch to form a portable and wearable radio wave non-contact type personal identification system. Through the integration process, one can eliminate the repeated action of taking the storage medium in and out of a pocket, a wallet, or a bag. The process further reduces a possibility of losing the storage medium resulted in frequent requirement of presenting it close to its reading device.

In view of Miyata reference, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate the integration step of combining a radio wave non-contact type data storage medium with a human wearable object such as a wristwatch in addition to a non-contact card type data storage device of Sher due to the fact that the data storage medium can be read by a reading device without taking it in and out of a pocket, a wallet or a bag frequently for the purposes of providing convenience to the data storage medium holder and reducing the possibility of losing the device. Furthermore, such modification of integrating a data storage medium into a portable and/or wearable object would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

Re claims 2-4, Sher in view of Miyata discloses the method as recited in rejected claim 1 stated above, where receiving said payment is by a credit card, a debit card or cash (col. 5, ll. 20-22 of Sher).

Re claim 7, Sher in view of Miyata discloses the method as recited in rejected claim 1 stated above, in which modifying said monetary credits information comprises a processor

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modifying said monetary credit information stored in the data field of the guest data object (208 in Fig. 7A and col. 2, ll. 1-20 of Sher).

Re claims 8 and 9, Sher in view of Miyata discloses the method as recited in rejected claim 1 stated above, further comprising transmitting said tag identifier and said payment amount from a service terminal or kiosk system to said central server (control center) by way of a communication link (link 23 or 16 in Fig 1 and col. 5, ll. 7-11).

Re claim 10, Sher in view of Miyata discloses the method as recited in rejected claim 1 stated above, further comprising:

transmitting a digital photograph information of the guest from the service terminal or kiosk system to the central server by way of the communication link; and

writing the digital photograph information in a second data field of the guest data object. Sher discloses a way of verification process using biometric characteristics such as fingerprints, voice, digital signature, picture or retina of a cardholder (col. 4, ll. 61-65).

Re claims 13 and 14, Sher in view of Miyata discloses the method as recited in rejected claim 11 stated above, in which the input device comprises a keyboard. Sher discloses a visitor (guest) entering his/her demographic data for the guest card (tag) in step 104 of Fig. 6A. It is well known and easy to find a keyboard or touch screen type (col. 5, ll. 15-17) of input device in a service terminal or kiosk at sports stadiums, large-scale exhibition halls, and amusement parks.

Re claim 15 and 16, Sher in view of Miyata discloses the method as recited in rejected claim 11 stated above, further comprising a display for displaying information related to the purchase of the monetary credits (col. 5, ll. 4-7). In addition, it is well known for a POS service station like PC-machine 14 of Sher's invention to include a printer to generate a receipt or report

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what services and products were delivered at what data and time at which location, and what visitor did use his/her card (col. 7, ll. 32-36).

Re claim 17, Sher in view of Miyata discloses the method as recited in rejected claim 11 stated above, further comprising a digital camera (12) for taking a digital photograph of said guest and wherein said processor (within the PC-machine 14) is capable of transmitting said digital photograph of said guest to said central server by way of said network interface (Fig. 1 and col. 4, ll. 62-65).

Re claim 18, Sher in view of Miyata discloses the method as recited in rejected claim 11 stated above, further comprising a credit or debit card reader to read information from a credit or debit card, and wherein said processor is capable of transmitting said credit or debit card information to said central server by way of said network interface (col. 5, ll. 20-25).

Re claims 19, 22 and 25, Sher discloses a central server (Fig. 1) to facilitate transactions within a coverage area (such as a theme park) comprises a local non-volatile memory (within each guest card) to store a plurality of guest data objects each of said plurality of guest data objects (such as financial data, biometrics data for authentication and partitioning the credit amount based on the need of the cardholder; col. 4, ll. 1-12) including a first data field containing information related to monetary credits (Money-Amount in Guest Card in Fig. 5) associated with a guest within a coverage area (such as an amusement park), a network interface (communications link 23 or 16) to communicate with a service terminal (POS station) or kiosk system, and a processor (within the PC-machine 14) coupled to said non-volatile memory and said local-non-volatile memory (through a card reader) and the network interface to receive information related to a guest of said coverage area (theme park) and information related to said

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monetary credits and to modify said monetary credits information (col. 2, ll. 32-44; Requested Service and Remaining Balance in Fig. 5 and steps 207 and 208 in Fig. 7A).

Although the visitors may choose different graphics, colors, logos or text imprinted on the card body, Sher is silent about a wearable radio frequency identification tag.

Miyata discloses a portable and wearable non-contact type personal identification system communicating in a radio wave. The system is used as a means for facilitating the checking of visitors (guests), the identifying of persons, or the administering of payments of fees etc., in recreation sites and facilities with a capacity of accommodating a large number of people such as sports stadiums, large-scale exhibition halls, and amusement parks (col. 1, ll. 12-20). Miyata further discloses fundamental functions of non-contact type (via radio frequency) personal identification, which is almost identical to that of Sher (contact-less). In addition, Miyata's invention is integrating a data storage medium to a wearable object such as a wristwatch to form a portable and wearable non-contact type personal identification system. Through the integration process one can eliminate the repeated action of taking the storage medium in and out of a pocket, a wallet, or a bag. The process further reduces a possibility of losing the storage medium resulted in frequent requirement of presenting it close to its reading device.

In view of Miyata reference, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate the integration step of combining a radio wave non-contact type data storage medium with a human wearable object such as a wristwatch in addition to a non-contact card type data storage device of Sher due to the fact that the data storage medium can be read by a reading device without taking it in and out of a pocket, a wallet or a bag frequently for the purposes of providing convenience to the data

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storage medium holder and reducing the possibility of losing the device. Furthermore, such modification of integrating a data storage medium into a portable or a wearable object would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

Re claim 20, Sher in view of Miyata discloses the server as recited in rejected claim 19 stated above, where the guest data object further includes a second data field to contain information related to credit or debit card information of said guest (106 and 107 of Fig. 6A and col. 5, ll. 20-25).

Re claim 21, Sher in view of Miyata discloses the server as recited in rejected claim 19 stated above, where the guest data object further includes a second data field to containing information related to a digital photograph of said guest (col. 4, ll. 61-65).

Re claims 23 and 26, Sher in view of Miyata discloses the server as recited in rejected claims 22 and 25 stated above, where the guest data object further includes a third data field to contain information related to credit or debit card information of said guest (106 and 107 of Fig. 6A and col. 5, ll. 20-25).

Re claims 24 and 27, Sher in view of Miyata discloses the server as recited in rejected claims 22 and 25 stated above, where the guest data object further includes a fourth data field to containing information related to a digital photograph of said guest (col. 4, ll. 61-65).

Response to Arguments

5. Applicant's arguments filed on March 24, 2004 have been fully considered but they are not persuasive.

Rejection under 35 U.S.C. § 103 (a)

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The applicant argues that Sher (USPN 5,566,327) does not disclose using non-contact type smart cards or readers in 4th paragraph on page 11. The examiner respectfully disagrees and requests applicant's attention in column 4 line 60 of the reference. The reference discloses that a visitor guest card is inserted or placed in the vicinity of a smart card reader.

On page 12, the applicant further argues that combination of Miyata (USPN 6,484,947) and Sher would require a substantial reconstruction of Sher's contact smart card readers. For the same reasons discussed above, the examiner believes the combination would not require a substantial reconstruction of Sher's card readers since the readers are capable of reading both contact and non-contact type smart cards.

For the foregoing reasons and discussions in this Office Action, the pending claims 1-4, 6-11, 13-27 and 33 are rejected under 35 U.S.C. § 103 (a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).

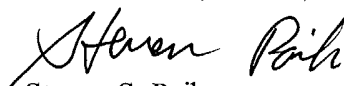
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven S. Paik
Examiner
Art Unit 2876

ssp